

[Docket No. 115]

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY  
CAMDEN VICINAGE

KYLE CANNON, LEWIS LYONS, and  
DIANE LYONS, individually and  
on behalf of all others  
similarly situated,

Plaintiffs,

v.

ASHBURN CORPORATION, WINES 'TIL  
SOLD OUT (WTSO.COM), and  
JONATHAN H. NEWMAN,

Defendants.

Civil No. 16-1452 (RMB/AMD)

**ORDER**

This matter comes before the Court upon the Ohio Objectors'<sup>1</sup> Motion for Attorney Fees [Dkt No. 115]. The Ohio Objectors assert that the Court should award them attorney fees, costs of suit, and an incentive award for their efforts in connection with formally objecting to the parties' proposed settlement of this putative class action suit. As set forth in the Court's Opinion and Order of April 17, 2018, the Court denied settlement approval. Defendants' Motion for Reconsideration of that decision was also denied.

"While an objector to a class action settlement is not generally entitled to an award of counsel fees, objectors are

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<sup>1</sup> The Ohio Objectors are Derek Hansen, Vytauras Sasnauskas, and Ryan Russell.

entitled to compensation for attorneys' fees and expenses if the settlement was improved as a result of their efforts. . . .

Because objectors play a different role in class action litigation than class counsel, the court will not treat their petition for fees as if they were class counsel, and the objectors will not be awarded fees for all of their work conducted in the course of the litigation. Instead, the court will award fees which reflect the value the objectors conferred upon the class. In the absence of a showing that objectors substantially enhanced the benefits to the class under the settlement, objectors are not entitled to fees."

Spark v. MBNA Corp., 289 F. Supp. 2d 510, 513 (D. Del. 2003)

(internal citations omitted).

In light of the present procedural posture of this suit, the Court concludes that any decision concerning the Ohio Objectors' contribution to this litigation would be premature at this juncture.

**IT IS** on this 14th day of June, 2018, hereby **ORDERED** that:

The Ohio Objectors' Motion for Attorney Fees is **DENIED WITHOUT PREJUDICE** with leave to renew, if appropriate, at a later time.

          s/ Renée Marie Bumb            
RENÉE MARIE BUMB  
UNITED STATES DISTRICT JUDGE